

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**TOMMY MANION, TOMMY MANION  
OF TEXAS, INC. and KYLE THOMAS  
MANION,**

**Plaintiffs,**

**VS.**

**JOE GREEN, INDIVIDUALLY**

**Defendant.**

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**Case No. 4:12cv222**

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**MAGIC CROSS RANCH, L.P.**

**Plaintiff,**

**VS.**

**TOMMY MANION, TOMMY MANION  
OF TEXAS, INC., and KYLE  
THOMAS MANION**

**Defendants.**

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**Case No. 4:12cv616**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On September 25, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Counter-Defendant/Plaintiff, Kyle Manion's Motion to Dismiss the Counterclaims and Affirmative Defendants of Counter-Plaintiff/Defendant, Magic Cross

Ranch, L.P. (Dkt. 51) and Counter-Defendants/Plaintiffs, Tommy Manion and Tommy Manion of Texas, Inc.'s Motion to Dismiss the Counterclaims and Affirmative Defendants of Counter-Plaintiff/Defendant, Magic Cross Ranch, L.P. (Dkt. 52) be GRANTED and that the portions of the "First Amended Answer of Joe Green, Answer of Magic Cross Ranch, LP and Counterclaim," Docket Entry 25, attributable to Magic Cross Ranch, L.P. should be stricken, that Defendant Magic Cross Ranch, L.P.'s counterclaims should be dismissed with prejudice, and that all other defenses, affirmative and otherwise, filed by Magic Cross, L.P. in this matter should be stricken from the record.

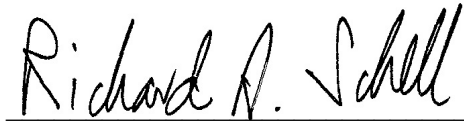
Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

Therefore, Counter-Defendant/Plaintiff, Kyle Manion's Motion to Dismiss the Counterclaims and Affirmative Defendants of Counter-Plaintiff/Defendant, Magic Cross Ranch, L.P. (Dkt. 51) and Counter-Defendants/Plaintiffs, Tommy Manion and Tommy Manion of Texas, Inc.'s Motion to Dismiss the Counterclaims and Affirmative Defendants of Counter-Plaintiff/Defendant, Magic Cross Ranch, L.P. (Dkt. 52) are GRANTED and the portions of the "First Amended Answer of Joe Green, Answer of Magic Cross Ranch, LP and Counterclaim," Docket Entry 25, attributable to Magic Cross Ranch, L.P. are hereby stricken. Further, Defendant Magic Cross Ranch, L.P.'s counterclaims are dismissed with prejudice, and all other defenses, affirmative and otherwise, filed by Magic Cross,

L.P. in this matter are hereby stricken from the record.

**IT IS SO ORDERED.**

**SIGNED this the 30th day of January, 2014.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath it.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE